

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA )  
                                )  
                                )  
                                ) Case No. 1:09-cr-92  
v.                            ) COLLIER / LEE  
                                )  
DOMINIQUE L. COLLINS     )

**O R D E R**

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:  
(1) grant Defendant's motion to withdraw his not guilty plea to Count One of the one-count Indictment (2) accept Defendant's plea of guilty to Count One, that is of possession with intent to distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base or crack, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); (3) adjudicate Defendant guilty of the charge in Count One, that is of possession with intent to distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base or crack, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); and (4) find defendant shall remain in custody until sentencing in this matter. Neither party filed a timely objection to the report and recommendation (Court File No. 22). After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Court File No. 22) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1)     Defendant's motion to withdraw his not guilty plea to Count One of the Indictment is **GRANTED**;
- (2)     Defendant's plea of guilty to Count One, that is of possession with intent to

- distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base or crack, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B) is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of Count One, that is of possession with intent to distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base or crack, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); and
- (4) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **Thursday, December 10, 2009 at 2:00 p.m.** before the Honorable Curtis L. Collier.

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**